

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

**IN RE: BANK OF AMERICA HOME AFFORDABLE
MODIFICATION PROGRAM (HAMP) CONTRACT
LITIGATION**

Leslie Archer, et al. v. Bank of America Corporation, et al.,)
D. Nevada, C.A. No. 2:11-1264)

MDL No. 2193

ORDER VACATING CONDITIONAL TRANSFER ORDER

Before the Panel: Pursuant Panel Rule 7.1, plaintiffs move to vacate our order that conditionally transferred their action (*Archer*) to MDL No. 2193. Additionally, defendant MTC Financial Inc. dba Trustee Corps (Trustee Corps) moves to partially vacate our order and to separate claims against Trustee Corps and allow them to proceed in the District of Nevada. Defendant Bank of America, N.A. (Bank of America) does not oppose the motions.

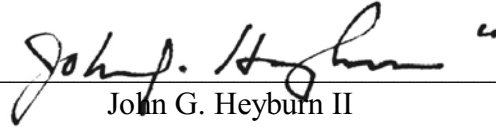
After considering all argument of counsel, we will grant the motions to vacate. Our original decision in this MDL centralized in the District of Massachusetts class actions sharing questions of fact arising from allegations that “Bank of America regularly fails to comply with the terms of the Home Affordable Modification Program (HAMP).” *In re Bank of Am. Home Affordable Modification Program (HAMP) Contract Litig.*, 746 F. Supp. 2d 1359, 1361 (J.P.M.L. 2010)

All actions in MDL No. 2193 center around allegations that Bank of America failed to administer loan modifications properly under the HAMP program, as does the *Archer* action. *Archer* thus shares questions of fact with MDL No. 2193; however, we are persuaded that *Archer* will focus on the unique circumstances of each named plaintiff’s alleged interactions with Bank of America and the other named defendants, rather Bank of America’s general HAMP practices. Indeed, the action names four non-Bank of America companies as defendants and brings claims for wrongful foreclosure. Such claims are unrelated to the MDL No. 2193 HAMP claims against Bank of America. Bank of America’s acquiescence to the motions to vacate further persuades us that transferring this action to the MDL would not promote the just and efficient resolution of the action and MDL No. 2193, as a whole.

IT IS THEREFORE ORDERED that the Panel’s conditional transfer order designated as “CTO-8” is vacated insofar as it relates to this action.

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PANEL ON MULTIDISTRICT LITIGATION

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John G. Heyburn II
Chairman

Kathryn H. Vratil
Barbara S. Jones
Marjorie O. Rendell

W. Royal Furgeson, Jr.
Paul J. Barbadoro
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